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1 And then that's when the -- I got a letter -- I
2 mean email that Miguel actually called me in his office,
3 and he goes, Good luck. He says, Let me show you this
4 email, and he showed me this email.

5 Look -- he says, Look at the answer that they
6 gave me. And it said -- and it was from Jan, and it was
7 cc'd -- all of this is all cc'd. You gotta remember, all
8 of this stuff is cc'd to Fiorentino. So it's Fiorentino --
9 the order goes Fiorentino, Jan, Mastropietro, and it goes,
10 Did you ask Edward Pitre -- I don't remember how much time,
11 I can't tell you, for the vacation -- how does he plan to
12 get the surgery when he doesn't have this time? You know,
13 that's what he mentioned, right?

14 And he goes, Can you believe that? And I said,
15 I'm not shocked. And then he goes -- then he talks about
16 filling out an FMLA, which we both looked at him, like --
17 I'm like this guy -- this is incompetence. How can he be
18 the director and not know that it's not an FMLA; it's an
19 on-the-line injury; it's Workers' Comp; it doesn't have
20 anything to do with FMLA.

21 And we all looked at each other, like, what is he
22 talking about? That's not the right paperwork at all. If
23 that's federal, that's if I would have been skiing in Aspen
24 or something, then you use FMLA; not for an on-the-line
25 injury.

1 Q. So when you say FMLA, are you referring to the
2 Family Medical Leave Act?

3 A. That's correct.

4 Q. And so you were -- how did you become aware that
5 -- was it Fiorentino had suggested you make an FMLA
6 request?

7 A. No. Miguel was telling me.

8 Q. Miguel told you that you should make an FMLA
9 request?

10 A. No. He said -- I'm talking to him, and he says,
11 Look at this email that I got, and he was talking about how
12 -- how Jan was addressing -- he said, Can you ask Ed how
13 does he plan to get this surgery?

14 He says, This is what I'm supposed to ask you.
15 He says, Not me; look at my email. And he literally turned
16 his computer and goes, Look what he -- he wants me to ask
17 you this question, and he wants an answer. That's what he
18 told me; he wants your answer.

19 And we were laughing. He goes, I need to write
20 to tell him what -- in fact, he even told me that they
21 would call every day, What did you guys talk about? What
22 -- you know, when is he going to go back, and how long is
23 he -- this is what he told me.

24 He goes, And I need to write a report how many
25 times I talked to you. This is what he said. He said this

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1 is unheard of. Here you're out on surgery, you're going,
2 and this is what I need to go back and write in detail.

3 Nobody else gets this but me, and he was upset by
4 that. He goes, I don't like what they're doing to you, but
5 and he goes, look, to prove it to me.

6 Q. Sorry, what did you say?

7 A. He had to show me -- he showed me the email. He
8 literally turned his computer to show me that it wasn't
9 him, like it wasn't -- like, don't be mad at me, it's them,
10 look.

11 Q. How did the topic of FMLA come up?

12 A. I think it was a day or two that I was about to
13 go to surgery, and Miguel was saying, Well, good luck, Ed,
14 and he was just talking to me.

15 Q. So Correa brought up the subject of FMLA?

16 A. No. He -- they wanted to send an email. They
17 wanted to know how do I plan to get -- so he needed that
18 answer. They wanted back -- they needed an answer how did
19 I plan to get surgery.

20 Q. And they talked about FMLA as an option?

21 A. I don't know when that came in, but he told me
22 about -- later on about FMLA.

23 But he first was telling me about the topic
24 first, was how do I plan to be off for work when you have X
25 amount of vacation, I can't tell you how many sick time,

1 when they knew the surgery was going to take -- the
2 recovery was going to take a long period of time.

3 Q. Prior to that point, were you ever spoken to or
4 provided information about FMLA?

5 A. No. Like I said, when the FMLA came about, it
6 was disregarded because it wasn't FMLA. It is a Workers'
7 Comp; it was an on-the-job injury. That was two different
8 things.

9 Q. Okay. So you had never received, like,
10 information about FMLA before or anything like that?

11 A. Like they personally gave it to me, like handed
12 it to me?

13 Q. Training materials or anything of that nature?

14 A. Oh, no.

15 Q. Had you ever seen posters in the workplace about
16 FMLA?

17 A. Posters? No, we don't really have -- I think we
18 only have the -- first, we didn't have posters, we didn't
19 have anything. Not even -- anything for injuries, that
20 doesn't exist in my unit.

21 We didn't see that until -- that stuff don't
22 exist until like maybe -- posters, no. They put -- I
23 forgot what it was. No, that doesn't exist. Maybe now
24 since I left, but not way before, no.

25 Q. Did you ever receive emails with training

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1 materials?

2 A. Training? To my email? No.

3 MR. BARRETT: Objection.

4 Go ahead.

5 Q. Did you ever speak with anyone at the FDNY about
6 taking leave under the FMLA?

7 A. No. Not at all.

8 Q. So after you made a request for leave relating to
9 your surgery, was that request granted?

10 MR. BARRETT: I'm going to object. Can you
11 clarify that?

12 Q. Did you receive a response after making a request
13 for leave related to your surgery?

14 A. No. You just hand -- I just handed the
15 paperwork.

16 And then after I handed it -- I gave them enough
17 notice. It wasn't like here's Monday and then Tuesday I
18 went surgery. So I handed -- I don't know the time period,
19 but I know it was a gap, and that's when Miguel literally
20 said, Hey, can you believe they want me to ask you this
21 question? I need to write back to them, how do you plan to
22 get this surgery?

23 Q. Okay. Did you, in fact, go on leave for the
24 surgery?

25 A. Yes.